IN THE HIGH COURT FOR THE STATES OF PUNJUAB AND HARYANA AT CHANDIGARH

CRL.R.NO. 402 of 1995

DATE OF ORDER:20.9.2007

Lal Singh ....Petitioner

Versus

State of Punjab ....Respondent

CORAM: HON'BLE MR. JUSTICE A.N. JINDAL

Present: Mr.S.C. Chhabra, Advocate.
Mr. A.S. Brar, DAG, Punjab..

A.N. JINDAL,J.

This petition is directed against the judgment dated 28.4.1995, passed by Additional Sessions Judge, Ferozepur, dismissing the appeal of the petitioner against the judgment dated 17.4.1993, passed by Judicial Magistrate Ist Class,Ferozepur, convicting the accused under Section 61(1) (c) of the Punjab Excise Act,1914 and sentencing him to undergo RI for one year and to pay a fine of Rs. 5000/-.

At the very outset, the conviction recorded by both the Courts has not been assailed but it was submitted for some leniency on the ground that occurrence took place in the year 1988, since then the petitioner has been facing much agony of protracted proceedings pending against him. He has already under gone a little short of six months of the sentence. No previous bad antecedents have been brought forward by Deputy Advocate General Punjab, so as to prove he is a habitual offender.

Having heard counsel for the petitioners and having deliberated over the matter, It is observed that the occurrence took place on 23.11.1988 and the trial remained pending up to 17.4.1993 and appeal was decided on 28.4.1995, thereafter the proceedings are pending before this Court. The petitioner has also undergone a little short of six months of the sentence.

Taking conspectus of the aforesaid circumstances, the ends of justice would be met if the sentence suffered by him is reduced to the period already undergone.

For the forgoing reasons, the revision petition is dismissed with the modification in the sentence so as to reduce the same to the period

already undergone without any alteration in the fine.

The copy of the judgment be sent to Chief Judicial Magistrate, Ferozpur, for compliance.

21.9.2007 (A.N. JINDAL)
rajeev JUDGE

To be referred to reporter : Yes/no